

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHN RUIZ,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:18-cv-00091-RFB-EJY

**ORDER**

**I. INTRODUCTION**

Before the Court is the Plaintiff's Motion for Re-Hearing. ECF No. 107. For the following reasons, the motion is denied.

**II. PROCEDURAL BACKGROUND**

The Court provides the relevant procedural background. On August 2, 2022, the Honorable Magistrate Judge Elayna J. Youchah issued an Order and Report and Recommendation. ECF No. 103. This Report ordered Plaintiff to move for default judgment against Defendant Raul Rosas no later than September 1, 2022, and warned that failure to do so would result in a recommendation to dismiss the defendant without prejudice. The Report also recommended dismissal of the two additional defendants. Id. On September 1, 2022, the Plaintiff submitted a Motion for Default Judgment. ECF No. 105. On September 20, 2023, the Plaintiff submitted a Motion for Re-Hearing. ECF No. 107. On September 30, 2023, this Court issued an order which accepted and adopted the Report and Recommendation. ECF No. 108. The order also denied Plaintiff's Motion for Default Judgment and closed the case. Id.

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2 **III. DISCUSSION**

3 The Plaintiff's Motion for Re-Hearing is unclear. The Court construes the motion as a  
4 request for a hearing regarding his Motion for Default Judgment. See Hebbe v. Pliler, 627 F.3d  
5 338, 342 (9th Cir. 2010) (Courts are instructed to liberally construe the pleadings of pro se  
6 plaintiffs.).

7 Pursuant to the United States District Court for the District of Nevada Local Rules, all  
8 motions may be considered and decided with or without a hearing. LR 78-1. Accordingly, the  
9 Court did not need to hold a hearing to render a judgment regarding the Motion for Default  
10 Judgment. Moreover, the Plaintiff presents no legal support for holding a hearing to reconsider the  
11 motion. The Court finds this matter was properly resolved without a hearing and does not find  
12 sufficient reasoning to hold a hearing to reconsider the motion. Thus, the motion is denied.

13 **IV. CONCLUSION**

14 **IT IS THEREFORE ORDERED** that the (ECF No. 107) Motion for Re-Hearing is  
15 **DENIED.**

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17 **DATED:** June 27, 2024

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**RICHARD F. BOULWARE, II**  
**UNITED STATES DISTRICT JUDGE**